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OFFICE OF PETITIONS

In re Application of :
Naji et al. :
Application No. 10/090,561 : ON PETITION
Filed: March 4, 2002 :
Atty Docket No. 131279-1019 :

This is in response to the four petitions each entitled "PETITION FOR WITHDRAWAL OF THE RECORDED TERMINAL DISCLAIMER (SUBMITTED UNDER 37 C.F.R. 1.182)" filed February 26 and 27, 2009, and March 2, 2009, requesting that the terminal disclaimers of patent Nos. 6,346,146, 6,506,248, 6,572,697 and 6,676,745¹ erroneously filed in the instant application on June 27, 2005 be cancelled or otherwise nullified.

The petitions are **GRANTED**.

The terminal disclaimers filed on June 27, 2005, are hereby **WITHDRAWN**.

The examiner states that the terminal disclaimer does not apply to any claim currently of record for the proper reasons set forth by applications in their response to withdraw TD. The limitations of their instant claims would not appear within the teaching of the prior art. Thus, according to the examiner, it is permissible to withdraw the terminal disclaimers.

It should be noted that this decision is not a determination that the subject matter of the current claims is distinct from


¹ It is noted that there is a terminal disclaimer of record directed to Patent No. 6,749,897 filed April 30, 2008 that is not the subject of any of these petitions.

the claims in the patents and/or applications to which the terminal disclaimer applied.

Receipt of the petition fee of \$400 on filing of each petition is acknowledged.

Technology Center AU 1793 has been advised of this decision. The application is being referred to the Technology Center for further action in light of this decision, including withdrawal of the terminal disclaimers filed on June 27, 2005, and in light of the filing of a request for continued examination (RCE) on April 8, 2009 and the subsequent filing of Information Disclosure Statements on April 8 and 10, 2009 and September 4, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3219.



Nancy Johnson
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Office of Petitions